

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

GREG ADKISSON, ET AL.,)	
)	
Plaintiffs,)	
)	
vs.)	No. 3:13-CV-505-TAV-HBG
)	
JACOBS ENGINEERING GROUP,)	
INC.,)	
)	
Defendant.)	

PLAINTIFFS' MOTION FOR STATUS CONFERENCE

COMES NOW the Plaintiffs in the above styled cause, by and through their undersigned counsel, and move this Honorable Court to enter an Order requiring the parties to appear in Court for a Status Conference and hearing. And grounds for this Motion, the Plaintiffs set forth and say unto the Court as follows:

1. On the January 18, 2019, an Order was entered by this Court directing the parties to participate in Court ordered mediation, *to wit*:

[T]he parties are hereby ORDERED to mediate this litigation in good faith within one hundred fifty (150) days of the entry of this order. To the extent additional time to complete a successful, or partially successful, mediation, the parties may move the court for additional time within which to mediate.

[Doc. 459].

2. On May 16, 2019, at the request of the parties, the Court extended the deadline for mediation until August 16, 2019 [Doc. 474].

3. On August 5 and 6, 2019, mediation took place in Knoxville, Tennessee, with Mr. Daniel Balhoff, the agreed mediator appointed by the Court [Doc. 466]. The parties did not reach a settlement during these two days of mediation but agreed to continue discussions with the mediator.

4. On August 16, 2019, the Court extended the deadline for the mediation until October 15, 2019, and ordered the parties, if they are unable to completely resolve this litigation pursuant to mediation, to report to the Court, along with any updates to their Phase II trial proposals, within ten (10) days following the conclusion of the mediation [Doc. 479].

5. With the October 15, 2019, deadline impending, the Plaintiffs request a Status Conference with the Court as soon as an opening can be scheduled to discuss the Court's Mediation Order, whether or not additional time should be allowed, and to consider the conduct of the Defendant and its representatives, which the Plaintiffs believe to be inconsistent with the letter and the spirit of the Court's directive that the parties participate "in good faith" in the mediation process.

WHEREFORE, the Plaintiffs request the Court to set a Status Conference to discuss mediation, anticipated updates to Phase II trial proposals, and scheduling for the Jacobs litigation going forward.

Respectfully submitted,

/s/ Jeff Friedman

Jeffrey E. Friedman (Ala. Bar No. asb-6868-n77j)

(*Admission Pro Hac Vice*)

FRIEDMAN, DAZZIO, ZULANAS &
BOWLING, PC

3800 Corporate Woods Drive

Birmingham, Alabama 35242

jfriedman@friedman-lawyers.com

Gary A. Davis

James S. Whitlock

DAVIS & WHITLOCK, P.C.

21 Battery Park Ave., Suite 206

Asheville, NC 28801

gadavis@enviroattorney.com

jwhitlock@enviroattorney.com

James K. Scott

Keith D. Stewart

Tyler Roper

MARKET STREET LAW, PLLC

625 Market Street, 14th Floor

Knoxville, TN 37902

jimscott264@gmail.com

keithdstewart@gmail.com

TylerRoperlaw@gmail.com

John B. Dupree

BRIDGEFRONT LAW GROUP, PLLC

616 W. Hill Avenue, 2nd Floor

Knoxville, TN 37902

johnbdupree14@gmail.com

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on October 14, 2019, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's electronic filing system.

James F. Sanders
James Issac Sanders
Marie T. Scott
NEAL & HARWELL, PLC
1201 Demonbruen Street, Suite 1000
Nashville, TN 37203
jsanders@nealharwell.com
isanders@nealharwell.com
mscott@nealharwell.com

Theodore J. Boutrous, Jr.
Theane D. Evangelis
Jeremy Smith
GIBSON, DUNN & CRUTCHER, LLP
333 S. Grand Avenue
Los Angeles, CA 90071
tboutrous@gibsondunn.com
tevangelis@gibsondunn.com
jssmith@gibsondunn.com

/s/ Jeff Friedman
Jeff Friedman